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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 CLYDE McKNIGHT,

11 Defendant.

CR18-16 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) The Court has received from defendant a hand-written declaration that is
15 critical of his attorney Gilbert Levy. Defendant has indicated that he sent a copy of the
16 declaration to “the U.S Attorney in this case,” but apparently not to his lawyer. The
17 Clerk is **DIRECTED** to docket the declaration **UNDER SEAL**, and to send a copy (with
18 a CM/ECF header) to Mr. Levy.

19 (2) The declaration appears to have been mailed to the Court on February 4,
20 2020, **before** the hearing held on February 6, 2020, concerning defendant’s motion for
21 his attorney to withdraw. *See* Minutes (docket no. 412). As a result of the ex parte
22 colloquy conducted with defendant at the hearing, the Court is satisfied that defendant
23 does not actually seek to have Mr. Levy withdraw as counsel and that he does not wish to
proceed to trial without a lawyer. Thus, the Court will take no further action with respect
to the recently received declaration.

(3) During the hearing and in the declaration described herein, defendant
expressed frustration that, with respect to certain materials filed under seal, he has not
been provided copies containing CM/ECF headers, and he cannot confirm that they were
actually submitted to the Court. The Court takes this opportunity to explain to defendant
that, when documents are filed under seal, members of the public may not view them, and
attorneys are unable to print them with CM/ECF headers. To promote trust between

1 defendant and his attorneys, the Court hereby DIRECTS the Clerk to provide to
2 Mr. Levy, upon his request, a printed version containing a CM/ECF header of any item
3 filed under seal by either Mr. Levy or Emily Beschen, so that Mr. Levy can show
4 defendant “proof” of the filing. This Minute Order does NOT permit defendant to have
5 access to materials filed under seal by the United States Attorney’s Office on behalf of
6 the Government, by Probation and Pretrial Services, or by the Court.

7 (4) Defendant is cautioned yet again about attempts to communicate with the
8 Court in any manner other than through his appointed attorneys. In making disclosures
9 concerning his discussions with counsel, whether to the Court or to the Government,
10 defendant risks waiving his attorney-client privilege. In the absence of a pending motion
11 brought by Mr. Levy or Ms. Beschen, the Court will not review or consider any further
12 materials submitted by defendant pro se, but will instead direct that they be forwarded to
13 Mr. Levy and not made part of the record.

14 (5) The Clerk is further DIRECTED to send a copy of this Minute Order to all
15 counsel of record. Mr. Levy is DIRECTED to provide a copy of this Minute Order to
16 defendant and to explain to him the ramifications of a waiver of attorney-client privilege.

17 Dated this 11th day of February, 2020.

18 William M. McCool
19 Clerk

20 s/Karen Dews
21 Deputy Clerk